

Superintendents' Update

March 2002

Bureau of Administration and School Improvement Services Iowa Department of Education

(This document is also available on the DE web site.)

www.state.ia.us/educate/

1. **Iowa Demonstration Construction Grant Program.** The Iowa Demonstration Construction Grant Program will be held again for another year. This year Iowa will have a program totaling 50 million dollars. This program will be divided into the same two categories as in previous years: 1) Construction/Renovation Program and 2) Fire (Life) Safety Program.

The Department is also currently accepting applications for the Renovation, Idea, and Technology Grant Program that can also include fire safety items. If a district is considering a Fire (Life) Safety Project, it should wait until the Iowa Demonstration Construction (Harkin) Grant Program rather than apply through the renovation program.

Contact: Milt Wilson, 515-281-4743, milt.wilson@ed.state.ia.us

2. **Open Enrollment.** According to 281-IAC 17.8(7), if a student moves to a new district the parent(s) have three options: the child may return to the original district of residence, attend in the new district of residence, or open enroll to a new district. These choices may be implemented as soon as the family moves. Please note that if the decision is to open enroll to a new district and the child is in grades 10-12 the 90 school day ineligibility period shall apply.

If the child is a junior or senior and is returning to the original district of residence without interruption, the child is considered a resident student until he/she graduates and should not complete open enrollment papers. The district in which the student attends counts the student as resident students. Iowa Code section 257.6(d). This rule applies to special education students but special education costs are billed back to the new resident district.

Contact: Eric Heitz, 515-281-5001, eric.heitz@ed.state.ia.us

3. **School Bus Vehicle Information Data File Now Available at All Times.** The Department has recently and permanently made available to schools the vehicle information file application titled "Transportation Vehicles" on its data web site. This application was included as part of the DE's "Annual Transportation Report" (ATR) last summer; however, after districts "certified" their ATR information, the file was closed and no longer available. The Department has now separated this file so that schools can add, update, or delete vehicles from this file as new vehicles are purchased and/or existing vehicles are eliminated from the fleet.

Please visit the data applications site (www.edinfo.state.ia.us) as necessary to update the vehicle information file. Let the Department know what type of reports would be helpful based on these data. The Department will try to generate a set of one-button reports for district use in the near future. For example, the Department can provide a report listing all district vehicles sorted by model and year or by make and model. The Department is also hoping that it can generate a depreciation report from this file that will assist districts in completing that item on the ATR. The Department is also pursuing the possibility of tying school bus inspections to this file. Districts would be able to submit repair notices online rather than faxing them into the Department as is the current procedure. This will allow the Department to create a vehicle inspection history on each district vehicle that will be accessible at

any time. The Department first needs to have this file updated on a regular basis. Please visit this site soon and verify that the vehicles listed are those that are now in your fleet. Include only those vehicles that are used in the school transportation program. Do not include vehicles such as your driver's education vehicles or those used strictly for staff or school lunch transportation. Thank you for your help.

Contact: Terry Voy, 515-281-4749, terry.voy@ed.state.ia.us

4. **Diesel Exhaust Emissions: Public & Private School Administrators & Transportation Directors.**
"Dangerous Exhaust Levels Found Inside School Buses: Iowa's school bus fleet is among the dirtiest in the country."

Once again an environmental group that, to our knowledge, has never set foot on Iowa soil nor have they been on any Iowa school buses, has leveled accusations at Iowa's schools and their school bus fleets. Last April the Los Angeles Times reported on a study by a California environmental group titled, "Dangerous Exhaust Levels Found Inside School Buses." The most recent accusation arrived via the *Des Moines Register* on Friday, February 8th in the form of a study released by a Massachusetts-based environmental organization called the Union for Concerned Scientists (UCS). The *Register* story headline reads: **"Iowa school buses threaten children's health."** The article quotes the Massachusetts organization as saying, **"Iowa's school bus fleet is among the dirtiest in the country, emitting 1,206 tons of smog-forming pollution and nearly 39 tons of soot annually."**

The basis of the most recent allegation by the UCS is Iowa's aging school bus fleet. Using vehicle age data from Iowa's Annual Transportation Report the UCS determined that 43% of Iowa's school bus fleet pre-dated current air pollution standards. Using that information and a mathematical formula, the UCS has estimated the number of tons of smog and soot being emitted from our buses even though, to our knowledge, this group has never taken a single measurement or conducted an emissions test on a single Iowa bus. Study methodology such as this, as well as the one used in the California study, has been regularly discredited upon peer review. Unfortunately, seeds of concern are planted in the minds of hundreds of thousands of parents nation-wide who, the UCS hopes, will question whether the school bus environment is safe for Iowa's children.

Rebutting the Accusations

The only real way to rebut or affirm the accusations that seem to be leveled lately against our nation's school bus fleets in general and against Iowa's school bus fleet specifically is "data." Without having tested our school bus fleets, we really don't have any way to address the accusations, pro or con. After last April's national "diesel exhaust attack" on school buses, Dwayne Fosseen, Chairman and CEO of MIRENCO, an Iowa-based company located in Radcliffe, Iowa approached the Department. This 20+ year-old company specializes in the manufacture of computerized diesel throttle-control equipment designed to improve diesel fuel efficiency, increase engine life and reduce exhaust emissions, particularly on earlier vehicle models lacking current electronic fuel and emissions control equipment. Mirencos has been a project partner over the years with the likes of Allied Signal Aerospace, and the U.S. Department of Energy.

Mr. Fosseen prefaced a possible data solution by providing a very interesting lesson in diesel engine efficiency along with some impressive data his company has been collecting while working with other diesel powered fleets in the Midwest over the last five years. A diesel engine needs only a manufacturer's-specified amount of fuel to provide peak power and performance. Injecting more fuel than is needed into the engine combustion chamber (such as tromping on the throttle control when taking off from a stop sign or student bus stop) results in one or both of the following: (1) unburned fuel will be exhausted out the tail pipe of the bus as soot and potentially harmful exhaust emissions and/or (2) the excess, unburned fuel washes down cylinder walls and other engine parts robbing the engine of necessary lubrication. In addition, contaminated or "dirty" fuel that hasn't been properly cleaned by regular fuel filter system maintenance can will cause engine fuel injectors to deteriorate over time are not capable of properly atomizing the fuel out the injector tip. This results in a poor fuel-spray pattern that doesn't burn properly and results in either one or both of the above conditions to occur. Either one or both conditions can lead to pre-mature engine wear, engine failure and a hefty engine overhaul bill.

The Data

The bottom line is that Iowa has a school bus fleet that is getting older. Recent figures indicate that nearly one-quarter of our school buses are 14 or more model-years old. Couple that with the current budget situation, the prospect of updating our fleets to the newer, electronically controlled, a fuel-efficient, low-emission model seems remote at this time. So we need to make sure our existing fleet is as fuel and emissions-efficient as possible. However, without having done adequate emission testing, we don't know what is actually coming "from the tailpipe" of our school buses today. Until we have that data in hand, we will continue to be at the mercy of the so-called "diesel exhaust studies" like that of February 8th.

Getting the Data

Mirencos offered last spring to conduct some preliminary tests of Iowa school buses. They selected four districts and randomly conducted base-line exhaust emission tests on 109 school buses of differing ages and mileage readings. There was no cost to districts and the results of the tests were to be presented to both the Department and the schools involved. The testing was conducted last summer and fall. Last month, Mr. Fosseen again met with the Department to discuss its findings and offered for consideration a unique project called **"The Iowa Tailpipe Project."**

Testing at the four schools involved measuring the Particulate Matter Density (PMD) of diesel exhaust emitted from the tailpipe of each vehicle. PMD is the density of particulate matter based on a scale of from 0% to 100% where a known wavelength of light is placed across the vehicle exhaust. A data processing unit then measures the amount of light being transmitted versus received. The resulting difference is the amount of light prevented from reaching the detector and is reported as "opacity" or PMD, with 0% equal to no smoke being present, to 100% meaning complete opacity or black smoke. Collection of the data takes but 5-6 minutes per bus to complete. **[It should be noted here that in California, one of the toughest emissions-control states in the country and the EPA begins to assess fines to fleet owners when the PMD reaches 55% for late model vehicles and 40% for earlier model vehicles manufactured prior to recent diesel emission standards.]**

Over all, the four district's buses fared quite well with fleet averages for PMD in the 10.29 to 33.82 range. However, the tests did identify several older model vehicles, as predicted, that were well above the California standard and candidates for lowered emissions through throttle control, mechanical repair, and/or improved preventive maintenance practices. Mirencos projects that once the "dirty" buses are identified work can begin to reduce even further the current emissions from buses by as much as 50% state-wide. This translates into considerable fuel savings, improved maintenance practices, and extended engine life. The bottom line is that through regular monitoring of engine exhaust, engine fuel management, and effective maintenance practices, schools can maximize engine efficiency (save \$) without sacrificing performance and reduce tailpipe emissions from our aging school bus fleet. The data that would be provided to schools as part of this project will help schools accomplish this.

"The Iowa Tailpipe Project" Description

In January, Mr. Fosseen presented us with a unique opportunity, unlike that available to any other state or fleet of vehicles in the United States at this time, and the Department feels this is something that could be a win-win opportunity for Iowa schools and the environment. Mirencos is proposing a unique five-year project called the **"The Iowa Tailpipe Project"** that would include emissions testing of every school bus in Iowa this spring during Phase I. Mirencos would conduct testing with field technicians at no cost to the school district. The cost would be paid from a special project fund of from \$2-\$4 million dollars provided through tax deductible donations from Iowa energy companies, businesses, and industries who are concerned about education and the environment in Iowa. Securing of the funds for the project will be accomplished totally by Mirencos. Discussions with the Iowa Department of Natural Resources have resulted in their initial support as well.

Phase II of the project would include a review of the baseline test data and the installation by Mirencos field technicians of the Mirencos DriverMax ElectronicThrottle Control device (see Mirencos web site at www.mirencos.com) on all vehicles that have been identified as having high Particulate Matter Density (PMD) readings. Mirencos will continue to monitor all Iowa school buses by conducting follow up emissions testing of every school bus, every six months throughout the duration of the five-year

project. Mr. Fosseen and MIRENCO assure us that there will be no out-of-pocket expense for schools throughout the project period and that all expenses for testing and equipment will come from raised project funds. MIRENCO's goal, according to Mr. Fosseen, is to provide the emissions data needed to respond to media inquiries similar to that of February 8th and to see that Iowa has "the cleanest school bus fleet in the country."

To both challenge and reward schools, a portion of the project funds would be used as cash incentives for schools having documented reductions in the amount of particulate matter being exhausted from the tailpipes of our school buses. The reduction, in pounds of soot from each vehicle, based on regular testing conducted during the five-year project period would go directly to schools in the form of cash payment(s). The actual amount would depend on the amount of funds raised.

MIRENCO would like to begin gathering the baseline emissions data immediately in order to provide schools with the results of their testing before the beginning of school next fall. Even if the project should not develop as intended, the Department been assured by Mr. Fosseen that the cost of initial emissions testing will be borne by MIRENCO and the baseline data will be extremely helpful in knowing the emissions status of Iowa.

Baseline Testing Begins Now

Field representatives from MIRENCO will begin testing on district vehicles Monday, February 25, 2002 in the eastern half of the state. Testing will be performed at the same time the DE conducts second semester school bus inspections and will follow DE inspectors along our published inspection schedule. Those vehicles already inspected for the second semester will be tested later this spring. You will not need to have additional staff on hand for this testing, which should take no longer than 5-7 minutes per bus. The bus simply needs to be warmed up and running during the test and no bus operator is needed. When the test is concluded, MIRENCO field staff will shut down the vehicle.

This project has the potential of helping Iowa schools become more efficient while having a positive impact on our environment and at no cost to schools. The Department asks your cooperation during emissions testing this second semester. At the very least, Iowa will have baseline data that will enable the Department to respond to the media and parents regarding Iowa's school bus fleet. Schools will receive period updates about this project. Thank you for your cooperation.

Contact: Terry Voy, 515-281-4749, terry.voy@ed.state.ia.us

Legal Lessons

Contact for All Items in This Section: Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us

5. FERPA and Students Who Receive CPI

a. *Notice to Parents/Guardians.* Parents/guardians of students who receive competent private instruction (CPI) who also either dual enroll or enroll in a home school assistance program (HSAP) must be given the same FERPA notice about "directory information" that is given to parents/guardians of regularly enrolled students. Under FERPA, these students are "in attendance" at the district; therefore, the same rules apply to them regarding disclosure of information.

The notice in question is the one that informs families of the following: (1) what the district considers to be included in "directory information" and (2) that the parent/guardian has the chance to opt out of having their child's directory information, or parts thereof, released without prior consent. In fact, it would probably be a good idea to give this notice to all parents/guardians who have filed a Form A (the Report of CPI) with the district, regardless of whether the student has any contact with the district via either dual enrollment or the HSAP.

b. *Disclosure of Information.* A district that receives a request for information contained in Form A regarding a CPI student should release the directory information about the student unless the parent/guardian, after having been given the annual required notice, has informed the district not to do so without prior parental consent.

By board policy, each district should have a definition of directory information. Typically, it includes the student's name, address, date of birth, grade level, dates of enrollment, and involvement in extracurricular activities. However, a district is free to exclude any of these from its definition of directory information.

The confidential information on Form A includes (in the order in which it appears on the most recent version of that form) the following:

- a. immunization information,
- b. special education status,
- c. instructional program information,
- d. number of days under CPI,
- e. all information about a licensed teacher who is providing or supervising the instruction, and
- f. all assessment/portfolio information.

c. *DE Assistance to Districts*. The Department will include in the upcoming CPI Handbook a sample cover letter that a district may use to send the "directory information" notice to CPI parents/guardians. The Department will also give NICHE, the largest home schooling organization in Iowa, the same "disclosure of information" reminder. Send recommendations about additional assistance districts may need about this topic to Carol Greta or Eric Heitz.

6. **FERPA Update: Owasso Ind. School District #1011 v. Falvo**

The education community has been waiting for several months for the U.S. Supreme Court to issue a ruling on the first FERPA case the Court has ever heard. FERPA – the Family Educational Rights and Privacy Act – was passed in 1974. [This is sometimes referred to by educators as the Buckley Amendment.]

FERPA applies to all educational agencies receiving federal funds. An important provision under FERPA prohibits school districts from releasing confidential "education records" without parental consent. The Act defines education records as records, files, documents, and other materials containing information directly related to a student maintained by an educational agency or by a person acting for the educational agency.

At issue in the Falvo case was the practice called "peer grading," in which students score each others' tests and assignments as the teacher explains the correct answers. The parent of a student who regularly scored poorly brought the suit, claiming that the grades marked by students on each others' work are education records, so the act of grading was an impermissible release of information to the other student under FERPA.

A unanimous Supreme Court decided on February 19, 2002, that student-graded assignments or tests are not education records. Therefore, the practice of peer grading does not violate FERPA.

Two points need to be made:

1. The Court stated that it was not deciding in Falvo whether grades on assignments, once they are turned in to the teacher, are protected by FERPA. Until this question is resolved, it would be wise not to have students record grades in a grade book. Recording the grade on the assignment or test itself is permissible.
2. The Court's ruling in the district's favor does not mean that peer grading is a good idea. When done as part of the assignment as a way to teach material again in a new context or as a means of showing students how to assist and respect fellow students, it is a legitimate educational technique. But, sensitivity should be shown to students who not only do not profit from this technique, but who are consistently embarrassed by it.

7. **FAQs on the Department's Web Site**. Open enrollment FAQs are now on the DE's web site.

8. **Eligibility Rule**. Remember to give the Department input regarding the academic eligibility rule for participation in interscholastic athletic events (whether there should be a statewide requirement of a 2.0 GPA or some other change to the present requirement that the equivalent of 20 semester hours be passed). Send your input to Carol Greta.

